

**Idaho Fish and Game Commission
Special Meeting
August 24, 2004**

A special meeting of the Idaho Fish and Game Commission was called to order by Vice Chairman John Watts at 8:03 am on August 24, 2004. Commissioners Alex Irby, Marcus Gibbs, Wayne Wright, and Gary Power responded to the roll call. Michael Bogert, Counsel to the Governor, also joined the conference call.

Present in the Director's Office: Deputy Director Terry Mansfield; Tom Hemker, Waterfowl Program Coordinator; Dallas Burkhalter, Deputy Attorney General; Virgil Moore, Chief, Bureau of Fisheries; Sharon Kiefer, Anadromous Fishery Manager; Ray Greene, Human Resource Officer; Roger Fuhrman, Chief, Bureau of Communications; Jim Lau, Chief, Bureau of Administration; Jeff Seward, Financial Manager; Ed Mitchell, Conservation Public Education Supervisor; Steve Barton, Assistant to the Director; Ray Houston, Legislative Services Office; Larry Schlicht, Division of Financial Management; Roger Phillips from the Idaho Statesman; and Marilyn Whitney, Executive Assistant.

The meeting was scheduled to set rules for the 2004-2005 waterfowl hunting seasons, for a briefing on the Snake River adjudication, to review the Fiscal Year 2006 budget, and to hold an executive session regarding personnel matters and litigation.

MISCELLANEOUS

Snake River Adjudication Briefing

Michael Bogert, Counsel to the Governor, discussed the status of Senate Bill 2605, the Snake River Water Rights Act of 2004, regarding settlement of water rights claims on the Snake River by the Nez Perce Tribe. The bill was introduced by Senators Craig and Crapo in June.

Outreach efforts have taken place across the state to listen to concerns and answer questions. Mr. Bogert will be meeting with national environmental groups to discuss their concerns. A meeting of stakeholders in Oregon, Washington, Idaho, and Montana will be held Wednesday, September 1, to discuss water and habitat issues. The main concerns include the long-term nature of the commitment and the fear that the legislation could undermine or amend the Endangered Species Act, the Forest Practices Act, and the Clean Water Act.

Commissioner Irby suggested that the Commission discuss the issue more in depth via conference call in the near future. Mr. Bogert agreed to participate and answer questions and to forward his regular email updates on S. 2605 to the Director for distribution to Commissioners.

RULES

Waterfowl: 2004 Seasons and Limits

Deputy Director Terry Mansfield is Idaho's member on the Pacific Flyway Council, and he explained that the Federal framework established by the U.S. Fish and Wildlife Service provides the maximum season length and bag limits available to the states. He noted the states may select options that are more restrictive but not more liberal than the framework allows. It was also noted the specific package of season length and bag limits which may be taken are based on calculations involving breeding habitat conditions in traditionally surveyed areas of Canada and the northern U.S. as well as an estimate of the breeding population of ducks as represented by mid-continent mallards. Mr. Mansfield noted that although overall breeding habitat conditions were about average and only slightly below the level in 2003, the area of western Canada producing most of the ducks migrating to Idaho was dryer than normal. He stated that another dry year in the major breeding areas could result in a restriction in the federal framework in the future and the hunting public needed to be aware.

Mr. Mansfield pointed out in light of this information, the approach used by the Department this year was to provide the public an opportunity to comment on both the liberal option offered under the framework as well as early and late but shorter season options. He noted that the Department used a Website survey and regional open house sessions to obtain public input. Mr. Mansfield stated it was the Department's intent to base its recommendation on feedback from the public since selecting between the liberal and moderate options would not involve a significant biological effect on the duck population.

Tom Hemker, Waterfowl Program Manager, reviewed the staff proposal for 2004-2005 including a 105-day general season, a September 25-26 youth hunt, a 60-day season for pintails and canvasbacks and a goose season concurrent with the duck season. The duck bag limit would remain unchanged at 7 birds.

Mr. Hemker reviewed the 3 options offered for public review and comment through both an online survey as well as during open house scoping sessions in the regions (Appendix 37, Exhibit 36). He noted the majority of respondents favored a liberal option (68% online and 85% open house sessions). Mr. Hemker noted there were some public suggestions to reduce the bag limit to 4 or 5 ducks instead of 7 although it was not one of the options presented by the Department. He cited a Pacific Flyway technical analysis of expected results indicating there would be no measurable reduction in harvest unless the bag limit was reduced to 2 birds. He concluded his comments by pointing out the Department recommended accepting a suggestion for a minor boundary change in Cassia County.

Commissioner Watts relayed that he had visited with members of local Ducks Unlimited chapters, and they would like to see more background information on the options in the future. He also shared input he had received that indicated people would be willing to have a reduced bag limit.

Tom Hemker noted that even under the proposed liberal season option, hunters would harvest only a small portion of the population annually estimated at approximately 12-14% in the Pacific Flyway.

The Commissioners discussed the need to address public perception with respect to reducing bag limits and the need for more background material to educate the public on harvest rates and factors that affect waterfowl populations. Commissioner Wright also requested that the Department provide more information on hunting boundaries via the Internet.

Commissioner Watts noted that in conversations with some Ducks Unlimited members, they would be amenable to a later start but wanted to maintain the 105 day season. Commissioner Gibbs stated that a later start was not popular in eastern Idaho, and Deputy Director Mansfield pointed out that the federal framework does not allow states to extend seasons into February.

Tom Hemker explained that while there were options for a later season, that would increase harvest rates. Mr. Hemker noted the Tribal Council would likely select the liberal option for the Fort Hall zone at its meeting later in the day.

04-74. Commissioner GIBBS MOVED TO ADOPT BY PROCLAMATION THE FOLLOWING PROPOSED RULES FOR THE 2004-2005 WATERFOWL SEASONS

- **NORTHERN AND EASTERN IDAHO ZONE**
 - **PANHANDLE, CLEARWATER, SOUTHEAST, UPPER SNAKE, AND SALMON REGIONS.**
 - **GEESE AND DUCKS (EXCEPT PINTAILS AND CANVASBACKS) OCTOBER 2 TO JANUARY 14.**
 - **PINTAILS AND CANVASBACKS: OCTOBER 2 TO NOVEMBER 30.**
 - **COOTS AND SNIPE: OCTOBER 2 TO JANUARY 14.**
- **SOUTHWESTERN ZONE**
 - **SOUTHWEST AND MAGIC VALLEY REGIONS**
 - **GEESE, DUCKS (EXCEPT PINTAILS AND CANVASBACKS) OCTOBER 9 TO JANUARY 21.**
 - **PINTAILS AND CANVASBACKS: OCTOBER 9 TO DECEMBER 7.**
 - **COOTS AND SNIPE: OCTOBER 9 TO JANUARY 21.**
- **YOUTH HUNT (STATEWIDE)**
 - **SEPTEMBER 25 AND 26**
 - **LICENSED YOUTH AGED 15 AND UNDER**

AND TO REDUCE THE DAILY BAG LIMIT FOR DUCKS FROM 7 TO 5 AND THE HEN MALLARD BAG LIMIT FROM 2 TO 1. Commissioner Wright seconded the motion.

Discussion

Staff stated concern that a bag limit reduction was not presented to the public during scoping, that it would have no biological effect on the duck population, and that a change in bag limit could create a more complicated and potentially confusing regulation resulting in inadvertent hunter violations. The Department staff also noted a concern the public would perceive that reducing the bag limit from 7 to 5 would have an effect on the population despite the evidence to the contrary.

Commissioners Gibbs and Wright reiterated the need to manage perception and address local concerns by taking a more conservative approach on bag limits.

Acting Chairman John Watts restated the motion. The motion carried unanimously.

In response to the Commission's request, the Department will provide more background in the future to both the public and the Commission on waterfowl issues prior to the season-setting process.

FISCAL

Budget Review and Update

Steve Barton, Assistant to the Director, reviewed a management summary of the budget and accompanying materials (Appendix 37, Exhibit 37).

Commissioner Watts left the meeting at 9:00 am. Commissioner Irby took over as Acting Chairman.

The Commission directed the Department to proceed and prepare the full slate of budget documents for the Division of Financial Management.

Mr. Barton reported that the second round of the Supertag drawing raised \$43,000. The first round brought in \$108,000 for a total of \$151,000 less marketing expenses of approximately \$11,000.

04-75 Commissioner Gibbs moved and Commissioner Power seconded a motion TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67-2345(1)(B) and (F) PERTAINING TO PERSONNEL MATTERS AND LITIGATION. The motion carried in a unanimous vote.

The session began at 9:05 am and ended at 9:50 am. No official action was taken.

The meeting adjourned at 9:53 a.m.